

**POTPOURRI**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

**Advanced Notice of Rulemaking and Solicitation of Comments on  
Regulatory Permits, Log #AQ274-AQ278  
(LAC 33:III.301-311 and 501) (0709Pot2)**

Act 115 of the 2006 Regular Session of the Louisiana Legislature, which became effective on August 15, 2006, allows the department to develop regulatory permits for certain sources of air emissions pursuant to R.S. 30:2054(B)(9). Pursuant to R.S. 30:2054(B)(9)(b)(viii), all regulatory permits shall be promulgated in accordance with rulemaking procedures as provided in R.S. 30:2019 and R.S. 49:950 et seq.

The department seeks public comments on several rules under development for regulatory permits through this Advanced Notice of Proposed Rulemaking. The draft rules are for the general requirements for regulatory permits (AQ274) and for specific regulatory permits for oil and gas well testing (AQ275), release of natural gas from pipelines (AQ276), emergency engines (AQ277), and portable air curtain incinerators (AQ278). The following table identifies and describes each rule.

| <b>Rule Log #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Rule Title</b>                                           | <b>LAC Cite</b>              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------|
| AQ274                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Regulatory Permits                                          | LAC 33:III.301, 303, and 501 |
| This proposed rule outlines the various requirements and limitations imposed by R.S. 30:2054(B)(9) on all regulatory permits to be developed by the department. This rule implements Act 115 of the 2006 Regular Session of the Louisiana Legislature, which allows the department to develop and promulgate regulatory permits for certain sources of air emissions.                                                                                                                                                                                                                                                                |                                                             |                              |
| AQ275                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Regulatory Permit for Oil and Gas Well Testing              | LAC 33:III.305               |
| This regulatory permit will authorize the operation of temporary separators, tanks, meters, and fluid-handling equipment necessary to test the content of a subsurface stratum believed to contain crude oil or natural gas and/or to establish the proper design of a permanent fluid-handling facility. Releases of natural gas less than 2.5 MM ft <sup>3</sup> in volume require no controls; those greater than or equal to 2.5 MM ft <sup>3</sup> must be controlled by flaring. Authorization shall remain effective for 60 days following the date the administrative authority determines that the application is complete. |                                                             |                              |
| AQ276                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Regulatory Permit for Release of Natural Gas from Pipelines | LAC 33:III.307               |
| This regulatory permit will authorize the release of natural gas resulting from metering, purging, and maintenance operations associated with petroleum pipelines. Releases of natural gas less than 2.5 MM ft <sup>3</sup> in volume require no controls; those greater than or equal to 2.5 MM ft <sup>3</sup> must be controlled by flaring. Authorization shall remain effective for 60 days following the date the administrative authority determines that the application is complete.                                                                                                                                        |                                                             |                              |
| AQ277                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Regulatory Permit for Emergency Engines                     | LAC 33:III.309               |
| This regulatory permit will authorize the installation and use of stationary emergency engines, including electrical power generators, firewater pumps, and air compressors, and the associated                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                         |                |
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| fuel storage tanks. The permit may be used to authorize both permanent and temporary emergency engines. Permanent engines must be incorporated into the facility's permit at next modification; temporary engines must be on site for no more than 12 months. Operating time of the engine will be limited to 500 hours per 12-consecutive-month period.                                                                                                                          |                                                         |                |
| AQ278                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Regulatory Permit for Portable Air Curtain Incinerators | LAC 33:III.311 |
| This regulatory permit will authorize the installation and use of portable air curtain incinerators (ACIs), the engine that drives the fan mechanism, and the associated fuel storage tank. Each ACI must have a manufacturer's rated capacity less than or equal to 10 tons per hour and must not remain at a single operational site (not to include storage locations) for more than 90 consecutive days. Operations will be restricted to between 8 a.m. and 5 p.m. each day. |                                                         |                |

Associated with each regulatory permit is a unique application with instructions. These documents can be accessed at <http://www.deq.louisiana.gov/portal/tabid/2787/Default.aspx>. The department also seeks comments on these documents.

Written comments regarding the draft regulations and associated forms are due no later than 4:30 p.m., November 1, 2007. Comments should be submitted to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or faxed to (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). Persons commenting should identify the comments by each particular rule log number. Copies of the draft regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each purchase. The draft regulations are available with this Potpourri notice on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

The draft regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

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Executive Counsel

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 3. Regulatory Permits**

[Rule Log #AQ274—§§301, 303, and 501]

**§301. Purpose**

A. This Chapter establishes regulatory permits as authorized by R.S. 30:2054(B)(9). Regulatory permits may be used to authorize emissions from the sources and activities identified in this Chapter by notifying the department of the planned activity using the appropriate form provided by the department. No construction, modification, or operation of a source or activity identified in this Chapter that ultimately may result in an initiation of, or an increase in, emission of *air contaminants* as defined in LAC 33:III.111 shall commence until the appropriate permit fee has been paid in accordance with LAC 33:III.Chapter 2 and the administrative authority has notified the applicant that the application (i.e., notification form) submitted in accordance with LAC 33:III.303.H has been determined to be complete.

B. Sources and activities not addressed by a regulatory permit must be authorized in accordance with LAC 33:III.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

**§303. Scope**

A. Regulatory permits cannot be used to authorize construction of a *major source*, as defined in LAC 33:III.502, or a *major modification*, as defined in LAC 33:III.504.K and 509.B.

B. Use of a regulatory permit may be precluded by specific permit conditions contained within a Part 70 Operating Permit.

C. Regulatory permits shall not authorize the maintenance of a nuisance or a danger to public health or safety.

D. All emissions control equipment specifically required by, or otherwise installed in order to comply with, the terms and conditions of a regulatory permit shall be maintained in good condition and operated properly.

E. Regulatory permits shall not preclude the administrative authority from exercising all powers and duties as set forth in R.S. 30:2011(D) including, but not limited to, the authority to conduct inspections and investigations and enter facilities, as provided in R.S. 30:2012, and to sample or monitor, for the purpose of assuring compliance with a regulatory permit or as otherwise authorized by the Louisiana Environmental Quality Act, the Clean Air Act, or regulations adopted thereunder, any substance or parameter at any location.

F. Regulatory permits shall require compliance with all applicable provisions of the Louisiana air quality regulations and the Clean Air Act. Violation of the terms or conditions of a regulatory permit constitutes a violation of such regulation or Act.

G. Regulatory permits shall, as appropriate, prescribe emission limitations, any necessary control requirements, other enforceable conditions, and associated monitoring.

recordkeeping, and reporting provisions necessary for the protection of public health and the environment.

H. Regulatory permits shall require any person seeking such a permit to submit a written notification describing the planned activity and any appropriate fee to the department. Submission of a written notification and appropriate fee shall be in lieu of submission of a permit application. The written notification shall be signed and certified by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information contained in the notification are true, accurate, and complete. Any person who submits a written notification and appropriate fee shall be authorized to operate under the regulatory permit for which the notification was submitted when notified by the administrative authority that the notification was complete.

I. All regulatory permits promulgated by the department shall establish notification procedures, permit terms, and confirmation of notification by the administrative authority and shall be promulgated in accordance with the procedures provided in R.S. 30:2019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

[Rule Log #AQ275—§305]

**§305. Regulatory Permit for Oil and Gas Well Testing**

A. Applicability. This regulatory permit authorizes the operation of temporary separators, tanks, meters, and fluid-handling equipment necessary to test the content of a subsurface stratum believed to contain crude oil or natural gas and/or to establish the proper design of a permanent fluid-handling facility, subject to the requirements established herein, upon notification by the administrative authority that the application (i.e., notification form) submitted in accordance with Subsection C of this Section has been determined to be complete.

B. Control Requirements. For purposes of this Section, volumes of natural gas should be calculated at *standard conditions*, as defined in LAC 33:III.111.

1. Releases of natural gas less than 2.5 million (MM) cubic feet in volume require no controls.

2. Releases of natural gas greater than or equal to 2.5 MM cubic feet in volume shall be controlled by flaring. Flaring must continue until less than 0.25 MM cubic feet of gas remains to be released, at which time flaring is no longer required.

3. Notwithstanding the volumes specified in Paragraphs B.1 and 2 of this Section, releases that will result in total VOC emissions of 5,000 pounds or more; benzene emissions equal to or exceeding its minimum emission rate (MER) established by LAC 33:III.5112, Table 51.1; or total benzene, toluene, ethylbenzene, and xylene (BTEX) emissions of 2,000 pounds or more shall be controlled by flaring. Flaring must continue until less than 0.25 MM cubic feet of gas remains to be released, at which time flaring is no longer required.

C. Notification Requirements

1. The following information shall be submitted to the Office of Environmental Services using the appropriate form provided by the department:

- a. the name of the owner or operator;
- b. the physical location of the well;
- c. the date(s) and expected duration of the activity;
- d. a description of the processes and equipment involved, including

control measures, if required; and

e. the estimated emissions associated with the testing event, including the anticipated volume of natural gas to be flared or released and the amount of crude oil to be produced. Emissions of toxic air pollutants (TAPs) listed in LAC 33:III.5112, Tables 51.1 and 51.3, shall be speciated.

2. A copy of the notification required by Paragraph C.1 of this Section shall be submitted to the appropriate DEQ Regional Office.

3. A separate notification shall be submitted for each testing event.

4. The notification shall be submitted such that it is received by the department at least three working days prior to the testing event.

D. The authorization for the specific testing event addressed by the application submitted in accordance with Subsection C of this Section shall remain effective for 60 days following the date on which the administrative authority determines that the application is complete.

E. Operation of temporary separators, tanks, meters, and fluid-handling equipment beyond seven operating days shall not be authorized by this regulatory permit and must be approved by the administrative authority.

F. Recordkeeping and Reporting. The following information shall be recorded and submitted to the Office of Environmental Services no later than 30 calendar days after completion of the testing event:

1. the date(s) and duration of the testing event;

2. the actual volumes of natural gas flared and natural gas released, as well as the total amount of crude oil produced; and

3. the actual criteria pollutant and TAP emissions associated with the testing event.

G. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$300 (fee number 1710). There shall be no annual maintenance fee associated with this regulatory permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

[Rule Log #AQ276—§307]

### **§307. Regulatory Permit for Release of Natural Gas from Pipelines and Associated Equipment**

A. Applicability. This regulatory permit authorizes the release of natural gas resulting from metering, purging, and maintenance operations associated with petroleum pipelines, subject to the requirements established herein, upon notification by the administrative authority that the application (i.e., notification form) submitted in accordance with Subsection C of this Section has been determined to be complete.

B. Control Requirements. For purposes of this Section, volumes of natural gas should be calculated at *standard conditions*, as defined in LAC 33:III.111.

1. Releases of natural gas greater than or equal to 1.0 million (MM) cubic feet, but less than 2.5 MM cubic feet, in volume require no controls.

2. Releases of natural gas greater than or equal to 2.5 MM cubic feet in volume shall be controlled by flaring. Flaring must continue until less than 0.25 MM cubic feet

of gas remains to be released, at which time flaring is no longer required.

3. Notwithstanding the volumes specified in Paragraphs B.1 and 2 of this Section, releases that will result in total VOC emissions of 5,000 pounds or more; benzene emissions equal to or exceeding its minimum emission rate (MER) established by LAC 33:III.5112, Table 51.1; or total benzene, toluene, ethylbenzene, and xylene (BTEX) emissions of 2,000 pounds or more shall be controlled by flaring. Flaring must continue until less than 0.25 MM cubic feet of gas remains to be released, at which time flaring is no longer required.

4. Natural gas releases covered by this regulatory permit shall have a hydrogen sulfide (H<sub>2</sub>S) content of no more than 0.25 grains per 100 standard cubic feet.

C. Notification Requirements

1. The following information shall be submitted to the Office of Environmental Services using the appropriate form provided by the department:

- a. the name of the owner or operator;
- b. the type of, and reason for, the activity;
- c. the physical location;
- d. the date(s) and expected duration of the activity;
- e. a description of the processes and equipment involved, including control measures, if required;
- f. the estimated emissions associated with the metering, purging, or maintenance operation, including the volume of natural gas to be flared or released. Emissions of toxic air pollutants (TAPs) listed in LAC 33:III.5112, Tables 51.1 and 51.3, shall be specified; and
- g. approximate H<sub>2</sub>S content in the natural gas.

2. A copy of the notification required by Paragraph C.1 of this Section shall be submitted to the appropriate DEQ Regional Office.

3. A separate notification shall be submitted for each metering, purging, or maintenance operation.

4. The notification shall be submitted such that it is received by the department at least three working days prior to the metering, purging, or maintenance event. In emergency situations, the department will waive the three-working day requirement.

D. The authorization for a release from the specific metering, purging, or maintenance operation addressed by the application submitted in accordance with Subsection C of this Section shall remain effective for 60 days following the date on which the administrative authority determines that the application is complete.

E. This regulatory permit does not authorize releases from metering, purging, or maintenance operations associated with pipelines carrying refined petroleum products (e.g., ethylene, propylene, 1,3-butadiene).

F. Conducting metering, purging, and maintenance operations beyond seven operating days at a single location shall not be authorized by this regulatory permit and must be approved by the administrative authority.

G. Resetting of flow meters (changing orifice plates, etc.) and calibration of meters are considered routine activities and are not classified as purging or maintenance operations.

H. Recordkeeping and Reporting. The following information shall be recorded and submitted to the Office of Environmental Services no later than 30 calendar days after completion of the metering, purging, or maintenance operation:

- 1. the date(s) and duration of the metering, purging, or maintenance operation;

2. the actual volumes of natural gas flared and natural gas released; and  
3. the actual criteria pollutant and TAP emissions associated with the metering, purging, or maintenance operation.

I. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$300 (fee number 1710). There shall be no annual maintenance fee associated with this regulatory permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

[Rule Log #AQ277—§309]

**§309. Regulatory Permit for Emergency Engines**

**A. Applicability**

1. This regulatory permit authorizes the installation and use of stationary emergency engines, including electrical power generators, firewater pumps, and air compressors, subject to the requirements established herein, upon notification by the administrative authority that the application (i.e., notification form) submitted in accordance with Subsection L of this Section has been determined to be complete. This regulatory permit also authorizes the associated fuel storage tanks.

2. This regulatory permit may be used to authorize the use of both permanent and temporary emergency engines.

3. This regulatory permit does not apply to:

a. emergency electrical power generators deemed insignificant in accordance with item B.45 in the insignificant activities list in LAC 33:III.501.B.5; and

b. nonroad engines, as defined at 40 CFR 1068.30.

4. This regulatory permit cannot be used to authorize use of an emergency engine that combusts noncommercial fuels, including used crankcase oil or any other used oil; facility byproducts; or any other type of waste material.

5. This regulatory permit cannot be used to authorize use of an emergency engine that, when considering potential emissions from the engine and potential emissions from the remainder of the stationary source, would result in the creation of a major source of criteria pollutants, hazardous air pollutants, or toxic air pollutants.

6. This regulatory permit cannot be used to authorize use of an emergency engine that would result in a *major modification*, as defined in LAC 33:III.504.K or 509.B.

**B. Definitions**

*Emergency Engine*—any stationary internal combustion engine (ICE) whose operation is limited to emergency situations (e.g., involuntary power curtailment, power unavailability, maintenance activity that requires the main source of power to be shut down) and required readiness testing and maintenance checks.

**C. Opacity**

**1. Limitations**

a. Smoke. The emission of smoke shall be controlled so that the shade or appearance of the emission is not darker than 20 percent average opacity.

b. Particulate Matter. The emission of particulate matter shall be controlled so that the shade or appearance of the emission is not denser than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not

more than one 6-minute period in any 60 consecutive minutes.

c. When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Subsection, this Subsection will not apply.

2. Monitoring and Recordkeeping

a. The permittee shall inspect each emergency engine's stack for visible emissions once each month or at each readiness testing event if the engine is tested at a frequency less than monthly.

b. If visible emissions are detected for a period longer than 6 consecutive minutes, the permittee shall conduct a 6-minute opacity reading in accordance with Method 9 of 40 CFR 60, Appendix A, during the next required visible emissions check.

c. If the shade or appearance of the emission is darker than 20 percent average opacity (per Method 9), the permittee shall take corrective action to return the engine to its proper operating condition, and the 6-minute opacity reading in accordance with Method 9 shall be repeated. The permittee shall notify the Office of Environmental Compliance no later than 30 calendar days after any Method 9 reading in excess of 20 percent average opacity. This notification shall include the date the visual check was performed, results of the Method 9 testing, and a record of the corrective action employed.

d. Records of visible emissions checks shall include the emergency engine's ID number, the engine's serial number, the date the visual check was performed, a record of emissions if visible emissions were detected for a period longer than 6 consecutive minutes, the results of any Method 9 testing conducted, and a record of any corrective action employed. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance.

D. Fuel Sulfur Content

1. The permittee shall not combust distillate oil that contains greater than 0.5 weight percent sulfur.

2. A statement from the fuel oil supplier that each shipment of distillate oil delivered to the facility complies with the specifications of this Subsection shall be kept on-site and available for inspection by the Office of Environmental Compliance.

E. Operating Time

1. Operating time of each emergency engine shall be limited to 500 hours per 12-consecutive-month period.

2. Operating time of each emergency engine shall be monitored by any technically-sound means, except that a run-time meter shall be required for all permanent units.

3. Operating time of each emergency engine shall be recorded each month, as well as its operating time for the last 12 months. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance.

F. New Source Performance Standards

1. Each emergency stationary compression ignition (CI) internal combustion engine (ICE) that commences construction after July 11, 2005, and that meets any of the following conditions must comply with the applicable provisions of 40 CFR 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, unless exempted as described in 40 CFR 60.4200(d):

a. the stationary CI ICE is manufactured after April 1, 2006, and is not a fire pump engine;

b. the stationary CI ICE is manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006; or



c. the stationary CI ICE is modified or reconstructed after July 11, 2005.

2. The date that construction commences is the date the engine is ordered by the owner or operator.

3. Terms used in this Subsection are defined in 40 CFR 60.4219, except that *modification* is defined in 40 CFR 60.2 and further described in 40 CFR 60.14, and *reconstruction* is defined in 40 CFR 60.15.

G. National Emissions Standards for Hazardous Air Pollutants

1. Each emergency stationary reciprocating internal combustion engine (RICE) that commences construction or reconstruction on or after December 19, 2002, and that is located at a major source of hazardous air pollutant emissions shall comply with the initial notification requirements of 40 CFR 63, Subpart ZZZZ–National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

a. In accordance with 40 CFR 63.6645(d), the notification shall include the information in 40 CFR 63.9(b)(2)(i) - (v), a statement that the stationary RICE has no additional requirements, and an explanation of the basis of the exclusion (i.e., that it operates exclusively as an emergency stationary RICE).

b. A stationary RICE is reconstructed if the definition of *reconstruction* in 40 CFR 63.2 is satisfied.

2. In accordance with 40 CFR 63.6590(b)(3), no initial notification is necessary for an existing emergency stationary RICE. A stationary RICE is “existing” if construction or reconstruction of the stationary RICE commenced before December 19, 2002. A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.

3. Terms used in this Subsection are defined in 40 CFR 63.6675.

H. Temporary Emergency Engines. For each temporary emergency engine brought on-site, record the date the unit is delivered; its make, model, and manufacturer’s rated horsepower; the fuel type; and the date the unit was removed from the site. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance. The authorization for the use of any emergency engine identified as being temporary shall remain effective for 12 months following the date on which the administrative authority determines that the application submitted in accordance with Subsection L of this Section is complete.

I. Permanent Emergency Engines. Permanent emergency engines authorized by this regulatory permit shall be included in the next renewal or modification of the facility’s existing permit, if a permit is required pursuant to LAC 33:III.501.

J. Gasoline storage tanks associated with an emergency engine and with a nominal capacity of more than 250 gallons shall be equipped with a submerged fill pipe.

K. Emissions Inventory. Each facility subject to LAC 33:III.919 shall include emissions from all emergency engines, including temporary units, authorized by this regulatory permit in its annual emissions statement.

L. Notification Requirements. Written notification describing the planned activity shall be submitted to the Office of Environmental Services using the appropriate form provided by the department. A separate notification shall be submitted for each emergency engine.

M. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit is \$713.00 (fee number 1722). In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$143.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.  
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,  
Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

[Rule Log #AQ278—§311]

**§311. Regulatory Permit for Portable Air Curtain Incinerators**

**A. Applicability**

1. This regulatory permit authorizes the installation and use of portable air curtain incinerators, subject to the requirements established herein, upon notification by the administrative authority that the application (i.e., notification form) submitted in accordance with Subsection E of this Section has been determined to be complete. This regulatory permit also authorizes the engine that drives the fan mechanism and the associated fuel storage tank.

2. This regulatory permit does not apply to an air curtain incinerator that:  
a. has a manufacturer's rated capacity greater than 10 tons per hour;  
b. is operated at a commercial, industrial, or institutional facility;  
c. combusts 100 percent yard waste, defined as grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs, originating from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands;

d. incinerates waste collected from the general public; collected from residential, commercial, institutional, or industrial sources; or otherwise generated at a location other than the operational site; or

e. remains at a single operational site (not to include storage locations) for more than 90 consecutive days.

**B. Definitions**

*Air Curtain Incinerator (ACI)*—an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

*Institutional Facility*—a facility operated by an organization having a governmental, educational, civic, or religious purpose, such as a school, hospital, prison, military installation, church, or other similar establishment.

**C. Operating Requirements**

**1. Visible Emissions**

a. Opacity from the ACI shall not exceed 20 percent, except for a 30-minute start-up period once per day during which opacity shall not exceed 35 percent.

b. The emission of smoke, suspended particulate matter, or uncombined water, or any air contaminants or combinations thereof, that passes onto or across a public road and creates a traffic hazard by *impairment of visibility*, as defined in LAC 33:III.111, or intensifies an existing traffic hazard condition is prohibited.

c. The owner or operator shall conduct a 6-minute opacity reading in accordance with Method 9 of 40 CFR 60, Appendix A, upon request of the department. Results shall be kept on-site and available for inspection by the Office of Environmental Compliance.

**2. Approved Wastes**

a. The ACI shall be used to burn only untreated wood, wood refuse, untreated wood products (i.e., crates, pallets, etc.), trees, branches, leaves, grass, and/or other vegetable matter.

b. The owner or operator shall use only clean oils (e.g., diesel fuel, No. 2 fuel oil, kerosene) to ignite waste.

3. Operating Locations

a. The owner or operator shall not locate the ACI at any permitted municipal or sanitary landfill.

b. The ACI must be situated at least 1,000 feet from any dwelling other than a dwelling or structure located on the property on which the burning is conducted, unless the location has been approved by the appropriate DEQ Regional Office.

c. Relocation. The owner or operator shall notify the appropriate DEQ Regional Office at least three working days prior to moving the ACI to a new operating site. Approval must be obtained before operations at the new site can commence.

4. The owner or operator shall restrict incineration to the time period from 8 a.m. to 5 p.m. each day. Piles of combustible material should be of such size as to allow complete reduction in this time interval.

5. The owner or operator shall obtain all necessary permits from local and/or state agencies.

6. The owner or operator shall install on the ACI a manufacturer's nameplate giving the manufacturer's name and the unit's model number and capacity.

7. The owner or operator shall maintain the ACI to design standards and shall not operate the ACI if any equipment is malfunctioning.

8. The owner or operator shall use care to minimize the amount of dirt on the material being burned.

9. Material shall not be added to the ACI in such a manner as to be stacked above the air curtain.

10. An operator shall remain with the ACI at all times when it is operating.

11. Annual operation of the ACI shall be limited to no more than 1,500 hours per year.

D. Recordkeeping and Reporting

1. A daily record of the hours of operation shall be kept on-site and available for review by the Office of Environmental Compliance. Daily records shall include the time combustion commences and the time the fire is completely extinguished.

2. Annual hours of operation for the preceding calendar year shall be reported to the Office of Environmental Compliance annually by February 15.

E. Notification Requirements. Written notification describing the planned activity shall be submitted to the Office of Environmental Services using the appropriate form provided by the department. A separate notification shall be submitted for each air curtain incinerator.

F. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit is \$2,394 (fee number 1520). If emissions from the ACI are such that it qualifies for a small source permit as described in LAC 33:III.503.B.2, the fee is \$713 (fee number 1722), in accordance with LAC 33:III.211.B.13.e. In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$478, if fee number 1520 is applicable, or \$143, if fee number 1722 is applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

## Chapter 5. Permit Procedures

[Rule Log #AQ274, cont.—§501]

### §501. Scope and Applicability

A. – B.7. ...

C. Scope

1. Except as specified in LAC 33:III.Chapter 3, ~~For each source to which this Chapter applies, the owner or operator shall submit a timely and complete permit application to the Office of Environmental Services, Air Permits Division, as required in accordance with the procedures delineated herein. Permit applications shall be submitted prior to construction, reconstruction, or modification unless otherwise provided in this Chapter.~~

2. Except as specified in LAC 33:III.Chapter 3, ~~No construction, modification, or operation of a facility which ultimately may result in an initiation of, or an increase in, emission of *air contaminants* as defined in LAC 33:III.111 shall commence until the permit application has been approved, an appropriate permit fee has been paid (in accordance with LAC 33:III.Chapter 2), and a permit (certificate of approval) has been issued by the permitting authority.~~

3. – 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 32:1842 (October 2006), LR 34:\*\*.